

## REMARKS

### I. Summary of Office Action

Claims 1-8, 11-27, 37-44, 47-63, 73-80, and 83-99 were pending in the above-identified patent application.

Claims 1, 2, 11-14, 37, 38, 47-50, 73, 74, 83-86 were rejected under 35 U.S.C. § 103(a) as being obvious from Brown U.S. Patent No. 5,822,530 ("Brown") and Rodriguez U.S. Patent Application Publication No. 2005/0071882 ("Rodriguez") in view of Cave U.S. Patent No. 5,859,641 ("Cave"). Claims 3, 15, 17, 18, 22-26, 39, 51, 53, 54, 58-62, 75, 87, 89, 90, and 94-98 were rejected under 35 U.S.C. § 103(a) as being obvious from Brown, Rodriguez and Cave in view of Haddad U.S. Patent Application Publication No. 2005/10097619 ("Haddad"). Claims 5, 6, 7, 8, 41, 42, 43, 44, 77, 78, 79, and 80 were rejected under 35 U.S.C. § 103(a) as obvious from Brown, Rodriguez and Cave in view of Schumacher U.S. Patent No. 6,757,907 ("Schumacher"). Claims 4, 9-21, 40 were rejected under 35 U.S.C. § 103(a) as being obvious from Brown, Rodriguez and Cave in view of Shah-Nazaroff U.S. Patent No. 6,157,377 ("Shah-Nazaroff"). Claim 27, 63, and 99 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown, Rodriguez, Cave and Haddad in view of Shah-Nazaroff.

### II. Summary of Applicants' Reply

Applicants have amended claims 1, 15, 18, 19, 21, 22, 37, 42-43, 47, 57, 73, 78, 79, 83, 87, 91, 93 and 94 and added new claims 133-135 to more particularly define the claimed invention. Applicants have cancelled claims 16, 20, 52, 56, 88 and 92 without prejudice. The claim amendments and the new claims are fully supported by the application as originally

filed and therefore add no new matter. See e.g., applicants' specification at FIG. 34 and page 58, paragraph 167.

The Examiner's rejections are respectfully traversed.

### III. Applicants' Reply

Claims 1, 2, 11-14, 37, 38, 47-50, 73, 74, 83-86 were rejected under 35 U.S.C. § 103(a) as being obvious from Brown and Rodriguez in view of Cave. Claims 3, 4, 5, 6, 7, 8, 9-21, 22-26, 27, 39, 40, 41, 42, 43, 44, 51, 53, 54, 58-62, 63, 75, 77, 78, 79, 80, 87, 89, 90, 94-98 and 99 were rejected under 35 U.S.C. § 103(a) as being obvious from Brown, Rodriguez and Cave in view of various combinations of Haddad, Schumacher and Shah-Nazaroff ("Secondary References"). Applicants respectfully traverse these rejections.

Applicants' invention, as defined by amended independent claims 1, 37, and 73, is directed to managing the distribution of on-demand media using an interactive television application. A user's request is received for on-demand media that is associated with a suggested bandwidth for transmission. An option is provided for the transmission of the on-demand media to the user that is based at least partially on a comparison of a suggested bandwidth to available bandwidth. The option relates to the transmission of the requested on-demand media at a reduced bandwidth. A selection of the option causes the requested media to be transmitted by the television distribution facility.

Brown refers to an interactive communication system for processing requests for video-on-demand (VOD) media. The system receives a request to transmit a VOD version of an application and determines whether the system's resources would

be constrained with the VOD transmission. If it determines that the system's resources would be constrained, the system either denies the request or directs the user to a near-video-on-demand version (NVOD) of application. See Brown, column 2, lines 46-62. In NVOD programming, the system broadcasts duplicate versions of the application, with the starting time of each version offset by a unique, predetermined time increment to all of its subscribers over shared communication path. See Brown, column 2, lines 12-17. No option is provided to the user to receive the VOD at a reduced bandwidth.

Rodriguez refers to a bandwidth allocation system that dynamically creates a bandwidth allocation schedule based on certain allocation criteria. See Rodriguez, paragraphs 12 and 13. If the subscriber's request for VOD cannot be fulfilled, such as when there is insufficient available bandwidth, the bandwidth allocation manager provides the subscriber the option of viewing the movie at a different time or alternatively, directs the subscriber to the NVOD delivery model. See Rodriguez, paragraph 72.

Applicants respectfully submit that Brown, Rodriguez, and Cave, whether taken alone or in combination, do not show or suggest providing an option for the transmission of the on-demand media to the user that relates to the transmission of the requested on-demand media at a reduced bandwidth, wherein a selection the option causes the requested media to be transmitted by television distribution facility, as defined by applicants' claims 1, 37, and 73. In Brown, the system receives a request for VOD, and if the systems' resources are constrained, the system denies the request or directs the user to NVOD version of the media without providing the option to

receive the media at a reduced bandwidth. In particular, NVOD delivery is akin to tuning in to a broadcast of the media at predetermined time increments that is available to all its subscribers regardless of the subscriber's action, and therefore does not cause the transmission of media responsive to an option selection. In the case of Rodriguez, although a subscriber may be given the option to accept an NVOD delivery model (i.e., the alleged reduced bandwidth) if there is insufficient available bandwidth to fulfill the subscriber's request for an on-demand media, Rodriguez fails to show or suggest that selection of the option causes the transmission of the media. See Rodriguez, paragraph 72. Moreover, in neither Brown nor Rodriguez does the selection of the option cause the requested media to be transmitted by the televisions distribution facility, as is required by claims 1, 37, and 73. Cave does not make up for this deficiency, since in Cave, the user is not given an option to receive the media at a reduced bandwidth.

For at least the foregoing reasons, applicants respectfully submit that Brown, Rodriguez, and Cave, whether taken alone or in combination, fail to show or suggest all the features of independent claims 1, 37, and 73.

Accordingly, claims 1, 37 and 73 and claims 2-8, 11-15, 17-19, 21-27, 38-44, 47-51, 53-55, 57-63, 74-80, 83-87, 89-91, 93-99, which depend directly or indirectly from claims 1, 37, or 73 are allowable. None of the Secondary References that were cited as allegedly showing other limitations of applicants' claims makes up for the deficiencies of Brown, Rodriguez and Cave relative to the rejections.

#### IV. New Claims

Claims 133-135 have been added in order to more particularly define the claimed invention. Claims 133-135 depend respectively from allowable claims 1, 37, or 73 and therefore are also allowable.

#### V. Conclusion

The foregoing demonstrates that claims 1-8, 11-15, 17-19, 21-27, 37-44, 47-51, 53-55, 57-63, 73-80, 83-87, 89-91, 93-99 and 133-135 are allowable. This application is therefore in condition for allowance. Reconsideration and prompt allowance of this application are accordingly respectfully requested.

Respectfully submitted,

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